

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TRUSTEES OF THE NATIONAL )  
ELEVATOR INDUSTRY PENSION FUND, )  
PLAINTIFF, ) CASE NUMBER: 2:08 CV 162-MEF  
VS. )  
ROBERT W. CAVINESS, DALLAS C. )  
CAVINESS, and RHONDA CAVINESS )  
PIERCE (in her capacity as guardian for DC, )  
a minor), )  
DEFENDANTS. )

**REPORT OF PARTIES' PLANNING MEETING**

1. **The Parties.** Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26.1, a planning meeting was held on April 28, 2008, via teleconference, and was attended by Terrie Biggs and Thomas Claunch on behalf of Robert W. Caviness; John W. Dodson, on behalf of Dallas C. Caviness and Rhonda Caviness Pierce in her capacity as guardian of DC; and George N. Davies, on behalf of Trustees of the National Elevator Industry Pension Fund.

2. **Pre-discovery Disclosures.** The parties have exchanged or will exchange initial disclosures by May 28, 2008.

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- a. Discovery will be needed on the following subjects:  
The proper beneficiary(ies) under National Elevator Industry Pension Fund.
- b. All discovery shall be commenced in time to be completed by August 29, 2008.

- c. The parties may each file a maximum of 25 interrogatories to any other party. Responses will be due 45 days after service.
- d. The parties may each file a maximum of 25 requests for admissions to any other party. Responses will be due 45 days after service.
- e. The parties may each file a maximum of 25 requests for production of documents to any other party. Responses will be due 45 days after service.
- f. There will be a maximum of 5 depositions taken by Robert W. Caviness, a maximum of 5 depositions taken by Rhonda Pierce, DC and Dallas Caviness, and 5 depositions taken by National Elevator Industry Pension Fund.
- g. The parties do not expect any expert witnesses to be called in the action. However, to the extent experts are utilized, reports from retained experts under Rule 26(a)(2) are due by July 28, 2008.
- h. Supplementation under Rule 26(e) 20 days after the close of discovery (date or intervals).

4. **Other Items.** The parties request a telephone conference with the Court before entry of any Scheduling Order.

- a. The parties shall be allowed until July 31, 2008 to amend pleadings and to add defenses.
- b. All dispositive motions should be filed by September 30, 2008.
- c. There is a slight chance settlement will occur. However, as there are limited funds and each side claims they are entitled to the entire proceeds,

it is likely this case will be disposed of on cross-motions for summary judgment.

- d. The parties request a final pretrial conference in October 6, 2008.
- e. Final lists of trial evidence under Rule 26(a)(3) should be due:
  - From the Parties: Witness List – 14 days prior to trial.
  - Exhibit List – 14 days prior to trial.
- f. The parties shall have 10 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).
- g. The case should be ready for trial by November 10, 2008 and at this time is expected to take approximately 1 day.

DATE: May 12, 2008

/s/ George N. Davies  
George N. Davies  
Attorney for Pension Fund

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